

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEAN EMMANUEL RODRIGUEZ

1:18-cv-14511-NLH-AMD

Plaintiff,

**MEMORANDUM
OPINION & ORDER**

v.

THE STATE OF NEW JERSEY and
THE UNITED STATES OF AMERICA,

Defendants.

HILLMAN, District Judge

WHEREAS, Plaintiff Jean Emmanuel Rodriguez, appearing *pro se*, filed a complaint against Defendants the State of New Jersey and the United States of America; and

WHEREAS, Plaintiff alleged that Defendants violated his 14th Amendment rights; and

WHEREAS, because Plaintiff filed an application to proceed without prepayment of fees ("in forma pauperis" or "IFP" application), which was granted by the late Honorable Jerome B. Simandle, this Court¹ screened Plaintiff's complaint under the Prison Litigation Reform Act (PLRA), see 28 U.S.C. § 1915(e)(2), which required the Court to *sua sponte* dismiss claims that: (1) are frivolous, (2) are malicious, (3) fail to state a claim upon

¹ The case was reassigned to this Court on August 13, 2019.

which relief may be granted, or (4) seek monetary relief from a defendant who is immune from such relief; and

WHEREAS, on March 20, 2020, the Court found that Plaintiff's complaint was "so . . . unfocused" that it "defie[d] any attempt to meaningfully answer or plead to it," see Binsack v. Lackawanna Cty. Prison, 438 F. App'x 158, 160 (3d Cir. 2011), and that it failed to clearly set forth an actionable claim, as required by Fed. R. Civ. P. 8(a); and

WHEREAS, the Court dismissed without prejudice Plaintiff's complaint; but

WHEREAS, the Court afforded Plaintiff 20 days to file an amended complaint, and directed the Clerk's office to mail Plaintiff a blank *pro se* complaint form to assist him in his efforts to amend his complaint; and

WHEREAS, the Court stated that if Plaintiff did not file an amended complaint within the timeframe allotted, the case would be dismissed (Docket No. 6); and

WHEREAS, on May 26, 2020, Plaintiff filed a notice of appeal with the Court of Appeals for the Third Circuit (Docket No. 7); and

WHEREAS, on January 25, 2021, the Third Circuit affirmed this Court's March 20, 2020 decision (Docket No. 9);² and

² The Third Circuit's mandate was docketed on April 16, 2021. (Docket No. 10.)

WHEREAS, at no time since this Court's March 20, 2020 Memorandum Opinion & Order has Plaintiff filed an amended complaint;

THEREFORE,

IT IS on this 23rd day of April 2021,

ORDERED that the Clerk of the Court shall mark this matter as CLOSED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.